

## REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-20 are currently pending.

Claims 1-4, 6-9, 11-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2004/0052234 A1 to Ameigeiras et al. in view of United States Patent No. 6,262,980 to Leung et al.

Applicants have amended independent claims 1, 6, 11 and 16 to clarify the claimed invention and respectfully traverse the rejection. In particular, Applicants have amended the independent claims to state that in response to determining that the planned interruption is about to occur, the round-trip time for each data segment in a plurality of successive data segments sent before the planned interruption occurs is progressively increased such that the retransmission timeout value calculated from the progressively increasing round-trip time becomes larger than a time required to complete the planned interruption, thereby preventing the spurious retransmission. Thus, the claims clearly state that each data frame is being progressively increased to a point that the retransmission timeout value becomes a designated value. In an embodiment, the round-trip time for each data segment is increased by 400 msec. And as claimed, progressively increasing the round-trip time for each data segment prevents spurious retransmissions that can be caused by retransmission timeout value being less than the time needed to complete a hard cell change.

Ameigeiras is directed to an invention to overcome the problem of unnecessary retransmissions over the air interface. A Discarding TCP Packets (DTCPP) entity is added to the PDCP layer. The DTCPP entity has the knowledge of the correspondence between the PDCP sequence numbering and the TCP segments sequence numbering correspondence. Further, the DTCPP entity has the knowledge of which TCP segments have been successfully received by the TCP-UE. This knowledge can be gained reading the TCP acknowledgments at the UL PDCP, where the sequence number of the correctly received byte is stated.

It is respectfully submitted that Ameigeiras does not disclose, teach or otherwise suggest determining, in response to a planned interruption, like a hard cell change,

progressively increasing the round-trip time for each data segment in a plurality of successive data segments sent before the planned interruption occurs, such that the retransmission timeout value calculated from the progressively increasing round-trip time becomes larger than a time required to complete the planned interruption, thereby preventing the spurious retransmission. The Office Action cites paragraphs [0001], [0013], [0018-0020], [0029], [0031], [0039] and [0056] to state that Ameigeiras discloses the progressive increase in the retransmission values for each of a plurality of data segments. But Applicants review of these paragraphs and the remainder of the cited references does not reveal any disclosure of the progressive increases in the round-trip time required by the claims.

While Ameigeiras discloses a method of avoiding retransmissions, mentioning of increasing RTT does not disclose, teach or suggest the progressive increase. Paragraph [0011] suggests that variations in the network cause RTT to increase. Paragraphs [0066-0068] suggest that a slow start algorithm increases transmission rates until the timeout is reached for retransmissions. Neither of these reference to increasing RTT or the like discloses the claimed progressively increasing the round-trip time for each data segment in a plurality of successive data segments sent before the planned interruption occurs, such that the retransmission timeout value calculated from the progressively increasing round-trip time becomes larger than a time required to complete the planned interruption, thereby preventing the spurious retransmission.

Leung is directed to a dynamic resource allocation method and apparatus for broadband serves in a wireless communications system. Information is transmitted in time subframes scheduled to avoid interference between sectors and cells and different degrees of concurrent packet retransmission can be scheduled for different classes of communications sites. Leung also does not disclose progressively increasing the round-trip time for each data segment in a plurality of successive data segments sent before the planned interruption occurs, such that the retransmission timeout value calculated from the progressively increasing round-trip time becomes larger than a time required to complete the planned interruption, thereby preventing the spurious retransmission.

In view of the foregoing, it is respectfully submitted that the combination of Ameigeiras and Leung does not disclose, teach or otherwise suggest the claimed

invention in independent claims 1, 6, 11 and 16. Applicants therefore respectfully submit that the independent claims are patentable over the cited references. As claims 2-4, 7-9, 12-14 and 17-19 depend upon and include the limitations of independent claims 1, 6, 11 and 16, respectfully, Applicants submit that these claims are patentable over the cited references for the same reasons. Applicants request that this rejection under Section 103(a) be withdrawn.

Claims 5, 10, 15 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ameigeiras in view of Leung and further in view of well known art, i.e. the official notice that break-before concept is well known. As claims 5, 10, 15 and 20 depend upon amended independent claims 1, 6, 11 and 16, Applicants respectfully submit that these claims are patentable over the cited references for the reasons given above for the independent claims. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Serial No. 10/675,739

Qazi et al

Case No. CE10514R

Please charge any fees associated herewith, including extension of time fees, to  
**50-2117.**

Respectfully submitted,  
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